

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: DEC 04 2018

UNITED STATES OF AMERICA

INDICTMENT

- v. -

ANTONIO DIMARCO, and
JOAKIM VON DITMAR,

Defendants.

18 CRIM 363

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COUNT ONE

(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. From at least in or about November 2017, through at least in or about January 2018, in the Southern District of New York and elsewhere, ANTONIO DIMARCO and JOAKIM VON DITMAR, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

2. It was a part and object of the conspiracy that ANTONIO DIMARCO and JOAKIM VON DITMAR, the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and

television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, DIMARCO and VON DITMAR, using the identity of a particular victim, attempted to purchase works of art at a New York, New York-based auction house in part through the provision of false financial documentation and stolen identification information, which the defendants transmitted over email.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Aggravated Identity Theft)

The Grand Jury further charges:

3. From at least in or about November 2017, up to and including at least in or about January 2018, in the Southern District of New York and elsewhere, ANTONIO DIMARCO and JOAKIM VON DITMAR, the defendants, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, DIMARCO and VON DITMAR stole, and aided and abetted the theft of, personal information, including the name and bank account numbers of a particular victim, in connection with the wire fraud conspiracy charged in Count One of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1),
1028A(c)(5), and 2.)

FORFEITURE ALLEGATION

4. As a result of committing the offense alleged in Count One of this Indictment, ANTONIO DIMARCO and JAOKIM VON DITMAR, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendants personally obtained.

Substitute Asset Provision

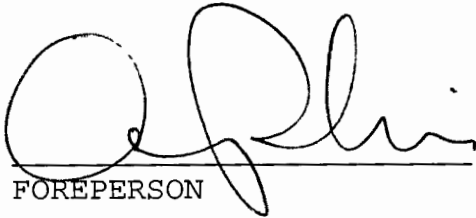
5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

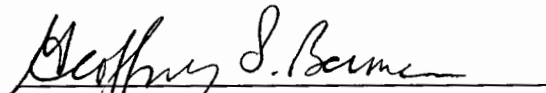
it is the intent of the United States, pursuant to Title 21,

United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above-described forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON



GEOFFREY S. BERMAN
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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v.

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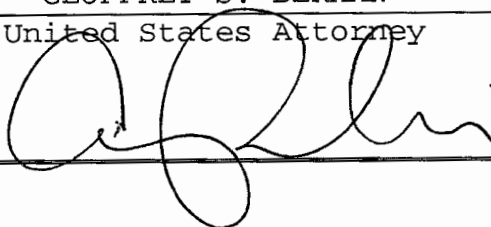
Defendants.

INDICTMENT

18 Cr.

(18 U.S.C. §§ 1349, 1028A, and 2.)

GEOFFREY S. BERMAN
United States Attorney



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Indictment filed.

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USMJ Wang